

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

5 PLUS 7, Inc. and CHRISTOPHER CARDILLO
a/k/a CS CARDILLO,

Plaintiffs,

-against-

BRITISH BROADCASTING CORPORATION,
BBC WORLDWIDE PRODUCTIONS, BBC
WORLDWIDE AMERICAS, INC., NBC
UNIVERSAL INC., PATRICK YOUNGE,
TRAVEL MEDIA INC. d/b/a THE TRAVEL
CHANNEL and/or d/b/a
TRAVEL CHANNEL.COM and COX
COMMUNICATIONS, INC.,

Defendants.

Date of Service: September 22, 2009

Case No. 09-CV-2255 (DLI) (JO)

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ORAL ARGUMENT REQUESTED

**REPLY MEMORANDUM IN SUPPORT OF COX COMMUNICATIONS, INC.'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

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Inc.*

Plaintiffs 5 Plus 7, Inc. and Christopher Cardillo a/k/a CS Cardillo (collectively referred to as “Cardillo”) have improperly included Cox Communications in this litigation based solely on the fact that Cox Communications is the parent company of Defendant Cox TMI, Inc., f/k/a/ Travel Media, Inc. (“Travel Channel”).¹ Cardillo’s Complaint is devoid of a single allegation of wrongdoing purportedly committed by Cox Communications. As discussed in Cox Communications’ initial Memorandum of Law, Cox Communications’ status as a parent corporation alone cannot support Cardillo’s claims against Cox Communications. Cardillo’s Affidavit in Opposition does not dispute this well settled principal. Accordingly, Cardillo’s claims against Cox Communications should be dismissed in their entirety with prejudice.

Respectfully submitted,

ARENT FOX LLP

By: /s/ Savalle C. Sims
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¹ The Plaintiffs have named Travel Media Inc. as a defendant in this action. The correct corporate name for Travel Media, Inc. is Cox TMI, Inc.